

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Private Aided Colleges - Dr. D. Lalitha Devi, Reader in Botany, S.K.R. College for Women, Rajahmundry – Counting of aided service from 26-7-1976 to 15-5-1981 after re-designation as Lecturer for purpose of CAS – Orders – Issued.

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HIGHER EDUCATION (CE-II-1) DEPARTMENT

G.O.Rt.No. 163

Dated 17<sup>th</sup> March, 2010

Read the following:-

1. Memo.No.2366/CE.II-1/93-12 Edn.,dt.30.4.1999.
2. Representation from Dr. D. Lalitha Devi, Reader in Botany, SKR College for Women, Rajahmundry, dated 23-2-2007.
3. Govt.Memo.No.2289/CE.II-1/2007-1, dated 28-3-2007.
4. From the C.C.E., A.P., Hyderabad., Lr.No.1190/Admn.III-2/2008, dated 7-5-2009.

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**ORDER:**

In the reference first read above, in order to implement the interim orders of the Hon'ble High Court of A.P., in W.P.M.P.No.44616/98 in W.P.No.36192 of 1998, dated 29-12-1998, orders were issued permitting the Commissioner of Collegiate Education, A.P., Hyderabad to re-designate the post of Demonstrator held by Smt. D.Lalitha Devi, as Lecturer from 26-7-1976 to 15-5-1981 in view of the orders issued in G.O.Ms.No.1072 Education, dated 26-11-1976 without allowing any monetary benefit for that period, as a special case.

2. The Hon'ble High Court in its order 8.4.2004 in W.P.No. 36192/98 among other things held that –

“The Memo. of the Government dated 30.4.1999 is in force as on today and has not been cancelled, rescinded or withdrawn.

As a result of the Government order by the memo. Dated 30.4.1999 referred supra, the grievance of the petitioner alleged in this writ petition no longer survives for adjudication. The writ petition is accordingly dismissed as in-fructuous”.

3. Pursuant to the above orders and on the proposals of the Director of Collegiate Education, in Memo.No.3407/CE.II-1/2004, dt.25.8.2004, the DCE was requested to issue notice to Smt. D. Lalitha Devi and others if any, as per the suggestions of the Govt.Pleader, HC, AP, and send a detailed report for further examination of the matter indicating whether to cancel the above orders or otherwise. Accordingly, DCE vide Procs.dt.28.9.2004, issued show cause notice as to why the above orders should not be cancelled, treating her as Lecturer w.e. from 15.5.1981 instead of from 26.7.1976, as the terms and conditions stipulated in G.O.Ms.No.1072 Edn., dt.26.11.1976 are not applicable in her cadre and submit her reply in the matter within 15 days from the date of receipt of the order. Aggrieved by the above notice, the individual filed W.P. in the Hon'ble High Court, seeking directions to suspend the DCE proceedings. The Hon'ble High Court in its interim order dt.11.11.2004 in WPMP No.27310/04 in WP No.20847/04 directed that there shall be interim suspension.

4. Smt D.Lalitha Devi, Reader in Botany, SKR College for Women, Rajahmundry has represented that she was appointed as Demonstrator in Botany on 26-7-1976 in an aided post. In G.O.Ms.No.1072, dated 1-1-1976 orders were issued abolishing the posts of Demonstrators with retrospective effect from 1-4-1976. Hence, she was entitled to be treated as a Lecturer from the date of her appointment i.e., 26-7-1976. But she could not get the benefit and filed W.P., before the Hon'ble High Court and obtained favourable orders. But unfortunately her request to count the period from 26-7-1976 to 15-5-1981 (re-designated Aided lecturer service) for CAS was rejected applying the ordinate “9” of 1999. The said ordinance has reference to only unaided posts and not to aided posts. The notional service was considered for CAS to Sri P. Ramachandra Rao, Lecturer in Social Work, SBSYM Degree College, Kasibugga and Sri K.Narasimha Rao and other in Telangana vide G.O.No.381, dt. 5-7-2004. This G.O., is also applicable to her also. But, her request was rejected without examining the applicability and eligibility. Therefore, she has requested to reconsider her representation and pass favourable orders allowing fixation of pay under CAS by counting of 5 years of aided service. Further represented (dt.29.10.2008) that she was holding an aided post of demonstrator from the date of appointment i.e. 26.7.1976 and if the re-designated period is not counted for CAS, the anomaly of juniors drawing more pay than her still persists and cannot be rectified and requested to issue orders for counting the notional period of service from 26.7.76 to 14.5.91 for CAS and if orders are issued, she will withdraw the W.P.No.20847/2004 pending in the High Court, as she is retiring on 31.5.2009.

5. The Commissioner of Collegiate Education, A.P., Hyderabad, in his letter fourth read above, has stated that based on the letter of Correspondent, in his office letter dated 22-10-1999 the Government was informed that not allowing monitory benefit for the period is distinct from allowing notional benefit. At it was a notional benefit the period involved for which the request of the individual was considered as a special case to re-designate her as Lecturer based on the orders of A.P.High Court, it may perhaps just to consider her case to can not the period for the purpose of senior scale and selection grade scale and requested the Government to issue clarification in the matter. Government vide Memo., dated 16-2-2000 issued orders rejecting the request of Smt D.Lalitha Devi in view of Para-3 (1) of the ordinance No. 9 of 2000.

Para 3 (1) of Act No.9 of 2000 is as follows:-

Notwithstanding anything contained in any rule, order, decree or any judgment of any court, Tribunal or other authority, no employee of a private aided educational institution shall claim to count the service rendered, or as the case may be, the increments drawn in the respective post prior to the appointment in the post duly admitted t the grant-in-aid for the purpose of Automatic Advancement Scheme and pension.”

6. In the instant case the post held by Smt D.Lalitha Devi, was admitted to grant-in-aid w.e.f. 26-7-1976. Therefore, the above Act provisions may not be applicable in this case.

7. In the above circumstances, since the post held by her was an aided, the Commissioner of Collegiate Education, A.P., Hyderabad, has therefore, requested the Government to re-consider the case and issue suitable orders with regard to allowing monetary benefit for the re-designated period i.e., from 26-7-1976 to 15-5-1981 or to issue orders to count the said period for the purpose of CAS.

8. In the instant case, Smt.D.Lalitha was appointed as Demonstrator on 26-07-1976. In Memo.No.2366/CE-II-1/93-12, Education, dated 30-04-1999, orders were issued re-designating the post held by Smt.D.Lalitha Devi as Lecturer from 26-07-1976 to 15-05-1981 in view of orders issued in G.O.Ms.No.1072, dated 26-11-1976, as a special case. The G.O.Ms.No.1072, Education, dated 26-11-1976 was given effective from 01-04-1976, and on the analogy of orders issued in G.O.Ms.No.21, Education, dated 09-04-2003 read with G.O.Ms.No.147, Education, dated 10-10-2005, the aided service rendered by Smt.D.Lalitha Devi, from 26-07-1976 to 15-05-1981 may have to be counted for the purpose of CAS.

9. In the circumstances stated above, Government after careful examination of the matter, hereby order to count the aided service rendered by Smt.D.Lalitha Devi, S.K.R.C.College for Women, Rajahmundry, East Godavari District, re-designated as Lecturer for the period from 26-07-1976 to 15-05-1981, for the purpose of CAS, on the analogy of orders issued in G.O.Ms.No.21, Education, dated 09-04-2003 read with G.O.Ms.No.147, Education, dated 10-10-2005.

10. This order issues with the concurrence of Finance (Expr.H.E) Department vide their U.O.No.31869/561/Expr.H.E/2010, dated 22-01-2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

C.R.BISWAL,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To  
The Commissioner of Collegiate Education, A.P., Hyderabad.  
The Accountant – General, A.P., Hyderabad.  
The Director of Treasuries and Accounts, A.P., Hyderabad.

Copy to: -

The District Treasury Officer, East Godavari District, Rajahmundry.  
The Government Pleader for Higher Education, High Court of A.P., Hyderabad.  
The Finance (Expr.HE) Department.  
SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER